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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,532	02/08/2001	Fernando De Oliveira	1000-0213	2691

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/781,532	Applicant(s) OLIVEIRA, FERNANDO DE	
	Examiner Joy K. Contee	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 2 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Lyer et al. (Lyer), U.S. Patent No. 6,295,450, in further view of Lupien et al. (Lupien), US Patent No. 5,761,623.

Regarding claims 2 and 9, Lyer teaches a method (and mobile switching center for allocation network resources) in a cellular telecommunications network of allocating network resources to perform a requested service, said method comprising the steps of:

providing the requested service prior to allocating network resources in that cell (or processor that compares the requested service); building by the MSC a cell list (or capabilities database and resource resource controller) comprising only cells that can provide the requested service, wherein the MSC builds lists of cells capable to provide the requested service belonging to a location area (LA), to a paging area (PA) and to a service area (SA) (col. 3, line 35 to col. 5, line 38).

Lyer does not specifically disclose allocating network resources by paging for a mobile station only in the cells of the cell list, starting with the cells of the LA, and in the absence of a response from the mobile station, paging in the cells of the PA, and in the absence of a response paging in the cells of the SA (or paging LA, PA and SA consecutively) and the MSC for determining a cell's capability.

However, since Lyer discloses that remote units (or mobile stations) move throughout a coverage area of a serving base station (or cell) (see col. 3, lines 65-67) and the base station commands handover to a base station that would better serve remote unit (col. 4, lines 5-10). The list of base stations that are capable of supporting the service requirements of remote unit are sent to the remote unit before handoff (col. 4, lines 12-32). The aforementioned scenario is analogous to contacting (or paging) a mobile station only in the cells of the cell list, starting with those in a location area (i.e., reads on geographical coverage area), and paging area and service area, since the location area, paging area and service area are all a part of the coverage area of the particular base station or cell which is on the list of handover candidates depending on service requirements of remote unit and service capabilities of the base station.

Hence at the time of the invention it would have been obvious to one of ordinary skill in the art to modify Lyer to include starting with the cells of the LA, and in the absence of a response from the mobile station, paging in the cells of the PA, and in the absence of a response paging in the cells of the SA for the purpose of ensuring a

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candidate for handoff which is on the list before handoff., i.e., prior to allocation of network resources, especially since the LA, PA and SA are likely to overlap.

Further, Lupien discloses MSC then ranks the neighbor cells and outer cells to build a candidate list for handoff (col. 6, lines 20-23).

At the time of the invention it would have been obvious to one of ordinary skill in the skill in the art to modify Lyer to include determining by a Mobile Switching Center (MSC) each particular cell's capability for the purpose of appropriate handoff.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC


JOY K. CONTEE
PATENT EXAMINER